

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO TEXAS DIVISION**

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SALVADOR GOMEZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	<b>Civil Case No. 6:11-cv-39</b>
	§	
MERCANTILE ADJUSTMENT BUREAU,	§	
LLC	§	
	§	
Defendant.	§	

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, SALVADOR GOMEZ (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, MERCANTILE ADJUSTMENT BUREAU, LLC (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

### **PARTIES**

6. Plaintiff is a natural person residing at San Angelo, Tom Green County, Texas.
7. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a limited liability company located in Williamsville, New York.

### **FACTUAL ALLEGATIONS**

10. Beginning in January of 2011, Defendant contacted Plaintiff from 866-726-0522 regarding a consumer debt allegedly owed by Plaintiff.
11. Defendant communicated to a third party, Plaintiff's parents, that Plaintiff allegedly owes a debt.
12. Plaintiff subsequently provided Defendant with his cell phone number and requested Defendant not call his parents.
13. Despite Plaintiff's request, Defendant contacted Plaintiff's parents on four separate occasions subsequent to Plaintiff providing his cellular phone number.

### **COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff's parents more than once without permission to do so and without reasonable belief that the earlier response was erroneous or incomplete.

- b. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.

WHEREFORE, Plaintiff, SALVADOR GOMEZ, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SALVADOR GOMEZ, demands a jury trial in this case.

Dated: April 25, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss  
Michael S. Agruss  
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Attorneys for Plaintiff, SALVADOR GOMEZ

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

Plaintiff, SALVADOR GOMEZ, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SALVADOR GOMEZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

03/24/11

Date

  
SALVADOR GOMEZ

VERIFIED COMPLAINT